

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

**MALACHI SIMMONS,**

Plaintiff,

v.

2:20cv364

**Electronic Filing**

**TERRI A. SOMERS** SIP Program  
Administrator, **MARY ROSETTA** Parole  
Manager, Case Analysis PA Board of  
Probation and Parole, **PATRICIA L.**  
**VALAURI** Deputy District Director  
Pittsburgh District Northwest Division PA  
Board of Probation and Parole, **EDWARD**  
**WAGNER** Level 5 Counselor Allegheny  
County Jail, **CAPTAIN HUMGERMAN**  
Records Caption, Allegheny County Jail,  
**BILL MYSTIC** Population Control,  
Allegheny County Jail, **MARCI**  
**JOHNSON, CINDY WATSON, JOHN**  
**TALABER** Each Defendant is sued  
individually and in his or her official  
capacity, at all times mentioned in this  
complaint each defendant acted under the  
color of State Law, and **WASHINGTON**  
**COUNTY RECORDS DEPARTMENT,**

Defendants.

**MEMORANDUM ORDER**

This case is before the Court on a Report and Recommendation (“R&R”) that was filed by Magistrate Judge Dodge on July 31, 2020. The R&R recommends that this case be dismissed with prejudice as a result of plaintiff’s failure to prosecute. This recommendation is based on plaintiff’s failure to file a new motion to proceed *in forma pauperis* as directed following his release from incarceration and/or his failure to submit the forms needed to effectuate service of process. Plaintiff was served with the R&R and informed that the deadline to file objections was August 14, 2020. As of this date plaintiff has failed to 1) file a revised motion for IFP, 2) supply

the required forms or 3) file objections to the R&R. Therefore, after *de novo* review of the record, the following order is now entered:

AND NOW, this 14<sup>th</sup> day of December, 2020, IT IS ORDERED that this case is dismissed with prejudice for failure to prosecute; and

IT IS FURTHER ORDERED that the Clerk of Court mark this case closed.

The [24] July 31, 2020, Report and Recommendation of Magistrate Judge Dodge is adopted as the Opinion of the Court.

s/David Stewart Cercone  
David Stewart Cercone  
Senior United States District Judge

cc: Malachi Simmons  
1126 Craig Street  
McKeesport, PA 15132

(Via First Class Mail)

(Via CM/ECF Electronic Mail)